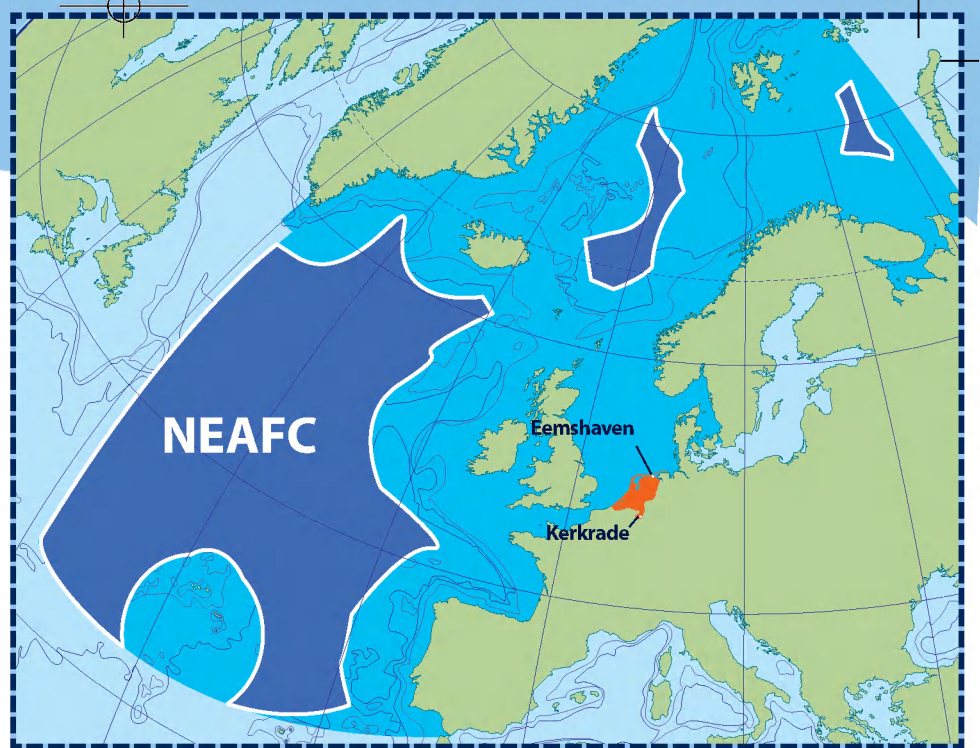


Its location in the north of Holland has made Eemshaven a magnet for vessels landing catches from the North Atlantic, especially the NEAFC zone.

Port state control: a system that has proved its worth



The Commission wants to keep products caught illegally off the European Union market. It has therefore proposed to make port state control the rule. This type of control has already been implemented for certain fisheries where it has produced convincing results.

Eemshaven, in the northern part of the Netherlands, is not a fishing port. Its wharves studded with windmills are meant to be used for maritime freight. Thanks to the immense refrigerator warehouses owned by the firm Sealane, however, it has become one of the main European Union ports for the landing of frozen fish. Its location makes Eemshaven a magnet for vessels coming from the North Atlantic and the Arctic.

The other side of the coin, however, is that Eemshaven had also become one of the main ports of entry into Europe for illegally caught fish, particularly from the Barents Sea. There was a very simple reason for this: the Dutch fisheries control authorities had no way to be sure that fish landed from a vessel flying the flag of a non-EU country had been caught legally. They could check whether its sanitary state or size conformed with the regulations, but had no control over whether it had been caught in an authorised zone or whether the vessel had enough quota to catch it. The legality of fishing activities could only be controlled at sea, by the coastal state in the case of an exclusive economic zone, or by the Flag State (state of nationality of the vessel) in the case of the high seas.

Things changed on 1 May 2007, however. On that date, port state control entered into force for all landings of frozen fish from international waters in the North-East Atlantic. As part of its fight against the growth of illegal cod fishing in the Barents Sea, the European Commission had worked within NEAFC⁽¹⁾, the regional fisheries management organisation (RFMO) concerned, to put this measure in place.

Monitoring landings

'For years, everyone's attention was focused on the coastal state's control duties,' explains Jean-François Pulvenis de Séligny, Director

of the Fishery Policy and Planning Division of the United Nations Food and Agriculture Organisation (FAO). *'Or on the flag state's responsibility for controls on the high seas. But around 20 years ago, we realised that there is another key player: the port state. Fishing vessels transit through these states' territory when they go out to sea or return to shore, and that is where the catch is landed.'*

This may seem an obvious point, but it is important to remember that maritime regulations derive from international law, which considers a vessel to be essentially part of the territory of its flag state. The port state's ability to carry out operations aboard a vessel from a third country are therefore extremely limited as long as that principle is respected.

The problem is that fraudulent operators are also aware of this principle and they land their illegal catches far from home, where the authorities don't have the means (nor, sometimes, the will) to check their quotas, the zones where they fished, the licences they hold, and so on. It is therefore very easy for fish caught illegally to make its way onto the legal market.

Given the alarming growth of pirate fishing worldwide, this state of affairs had, up to a point, to be called into question, and port authorities given the means to detect illegal landings. Port state control thus began to be discussed in international circles.

In the early 1990s, the issue came up at the FAO Committee on Fisheries, where it was viewed as a very interesting tool to fight unregulated fishing on the high seas. The concept is mentioned in the 1993 *Implementing Agreement*⁽²⁾. *'It was then recognised in an extremely important instrument, the International Plan of Action*⁽³⁾ *against illegal fisheries, adopted by the FAO in 2001,'* continues Jean-François Pulvenis de Séligny.

At that point, several RFMOs, including CCAMLR⁽⁴⁾ in the Antarctic Ocean, ICCAT⁽⁵⁾ for bluefin tuna, NEAFC and, more recently, SEAFO⁽⁶⁾, decided to implement the principle on a voluntary basis, in each case with support from the European Commission as a member of these RFMOs.

(1) North East Atlantic Fisheries Commission.

(2) *Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas* (Resolution 15/93).

(3) *International Plan of Action against Illegal, Unregulated and Unreported Fisheries*, 2001.

(4) Convention on the conservation of Antarctic marine living resources.

(5) International Commission for the Conservation of Atlantic Tunas.

(6) South East Atlantic Fisheries Organization.



Port state control is already being applied by certain RFMOs, as here in Eemshaven, Netherlands, for landings of frozen fish from the NEAFC zone.

How do such controls actually work? To find out, *Fishing and Aquaculture in Europe* followed a cargo of frozen fish landed in Eemshaven. And while on location in the Netherlands, we also stopped off in Kerkrade, in Dutch Limburg, home to the nerve centre of the *Algemeen Inspectiedienst* (AID), the general inspectorate of the Agriculture and Fisheries Ministry.

Flag state certification

Domenico Vizzari works in the control room, a large office connected to the outside world by every conceivable means of telecommunication. He has just received a landing application form in his mail box. It is from the *Pyotr Gusenkov*, a Russian refrigerated cargo vessel, which is seeking authorisation to land 360 tonnes of cod and haddock in Eemshaven. The fish were transhipped in the Barents Sea from the *Guldrangur* and the *Stakfell*, two trawlers belonging to the same owner based in Murmansk.

Domenico Vizzari first checks whether any of the three vessels has been placed on the NEAFC black list. These lists of vessels found guilty of illegal activity are one of the main instruments developed by the RFMOs to curb illegal fishing. He then sends the form to the Russian inspection authorities in Moscow and Murmansk. They have to check four things: whether the trawlers have enough quota for the fish declared, whether the catches have been recorded in the national quota uptake monitoring system, whether the trawlers have a licence, and whether the catch zone declared is confirmed by the satellite-based vessel monitoring system.

Two days later, Russia replies in the affirmative to all four questions, thus certifying the legality of the fish declared. In Kerkrade, Domenico Vizzari can give the go-ahead and notify his colleagues in Eemshaven. The *Pyotr Gusenkov* berths a few hours later, during the night. The next morning, cranes and lift-trucks set to work landing the packages of headless, gutted and frozen fish under the watchful eye of the AID inspectors.

NEAFC requires on the ground inspection of 15% of frozen fish landings to ensure that the species and quantities landed correspond to the declaration and that the vessel does not

'forget' any packages in its holds in the hope of landing them in another port. In that context, the Dutch authorities have decided to carry out an inspection of the *Pyotr Gusenkov*. The inspectors attentively count the pallets that touch down on the wharf, tear the brown paper off certain packages to check their contents, and examine the holds. Everything is in order.

Fewer landings

This control system has turned out to be highly effective. Since it was introduced, landings of frozen fish from the NEAFC zone in the port of Eemshaven have declined by around 20%. For Harry A. Vonk, AID policy adviser, there is no doubt that this proportion corresponds to the illegally caught fish that used to be landed in Eemshaven. '*For it to be even more effective,*' he continues, '*we should receive a follow-up report from the flag state on the infringements we identify. And I would like to have a clearer view, for every vessel, of the quantities caught and the available quotas, so that we can know which vessels we should focus our inspections on.*'

The system can obviously be improved. That is why the European Commission wants to extend it to all fishery products entering the EU from third countries, regardless of the means of transport used (fishing vessels, transport ships, air transport, etc.). Flag state certification would then be used to guarantee the legality not only of all fresh and frozen catches, but also of all processed fish and shellfish entering European Union territory.

'In the last few years there has been increasing awareness of the importance of encouraging the port state to act,' explains Jean-François Pulvenis de Séligny. *'And we are going even further, because now we realise that more than mere encouragement, we need to adopt rules that establish an obligation for the port state to take action to combat illegal fishing.'*

In fact, negotiations are under way in the FAO to have port state control included in an international treaty that will make it mandatory for all signatories. The European Commission is thus, once again, showing the way for a vast worldwide movement to curb illegal fishing.